

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**JASON L. WIMBLE,
Plaintiff,**

v.

**PAUL COTTON, LYNN HAYWARD,
BARBARA STOODLEY, and
MERIDETH LNU
Defendants.**

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File No. 1:05-CV-156

ORDER

The Magistrate Judge's Report and Recommendation was filed January 12, 2006. (Paper 27.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The Defendants' motions to dismiss (Paper 20 and 25) are GRANTED in part and DENIED in part. The motions are DENIED without prejudice as to exhaustion and mootness. The motions are GRANTED to the extent that Wimble must amend his complaint to join necessary parties, in accordance with Fed. R. Civ. P. 19.

Wimble shall be allowed 20 days from the date of this Order to amend his complaint so that it includes Department of Corrections defendants who can effect the injunctive relief he seeks. Failure by Wimble to so amend his complaint may result in dismissal of his claims.

The matter is hereby returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 24th day of February, 2006.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge